

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD SOUTHERTON,

Plaintiff,

v.

BOROUGH OF HONESDALE, *et al.*,

Defendants.

NO. 3:17-CV-0165

(JUDGE CAPUTO)

ORDER

NOW, this 23rd day of February, 2018, IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (Doc. 39) is GRANTED in part and DENIED in part as follows:

- (1) The Wage Payment and Collection Law claim in Count III of the Second Amended Complaint is **DISMISSED with prejudice**.
- (2) The First Amendment Petition Clause retaliation claim in Count V of the Second Amended Complaint is **DISMISSED without prejudice**.
- (3) Plaintiff has **twenty-one (21) days** from the date of entry of this Order to file a further amended complaint to properly plead his First Amendment Petition Clause retaliation claim (Count V); otherwise, that claim will be **dismissed with prejudice**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge